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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,207	06/28/2001	Zvi Bleier	148/1	7104

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EXAMINER

SHAFFER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/894,207

BLEIER, ZVI

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 4-10, 19, 20 and 39-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-37 is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 38 is/are rejected.
- 7) ☒ Claim(s) 12-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2872

1. Applicant's election with traverse of Group I (claims 2, 3, 11-20, 22 and 30-38) and species "A", the roof mirror species depicted by Fig. 9, in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 4-10, 19, 20 and 39-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 4.

Claims 23 to 29 of invention III have been rejoined based on the allowability of linking claim 21.

3. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 38, lines 2-3, "said back member" lacks proper antecedent basis. The examiner suggests changing the dependency of claim 38 from "36" to --37--.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sadler ('011).

Art Unit: 2872

Sadler discloses a lateral retroreflector assembly comprising a mirror panel housing (26) having a first mirror panel (41) mounted thereto, a roof mirror assembly housing (11) having a roof mirror assembly (16,17) mounted thereto and a connecting member (24) mounted to and between both said mirror panel housing and said roof mirror assembly housing. Note figures 1 and 2 along with the associated description thereof.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Karnes ('657).

Karnes discloses a lateral retroreflector assembly comprising a mirror panel housing (6a) having a first mirror panel (7) mounted thereto, a roof mirror assembly housing (6b) having a roof mirror assembly (15,16) mounted thereto and a connecting member (5) mounted to and between both said mirror panel housing and said roof mirror assembly housing. Note figures 1-3 and 5 along with the associated description thereof.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleier ('171) in view of Sadler ('011) or Pekar et al ('000).

Bleier discloses a lateral retroreflector assembly comprising a first mirror panel (100), a roof mirror assembly (110) having second and third mirror panels (120,130) having reflective

Art Unit: 2872

surfaces oriented substantially perpendicular to each other and a connecting member (20) mounted to and between both said first mirror panel and said roof mirror assembly which serves as a single integral housing for all of the components of the lateral retroreflector assembly, note figures 1-3 along with the associated description thereof, except for explicitly stating that the first mirror includes a separate mirror panel housing and the roof mirror assembly includes a separate roof mirror assembly housing joined together by the connecting member.

Sadler and Pekar et al each teach it is well known to use separate modular housings for a first reflective element (41, 58), respectively, and a roof mirror assembly [(16,17), (56)], respectively, wherein said housings are connected together by a connecting member (24,12), respectively, in a lateral retroreflector assembly for the purpose of accommodating and/or adjusting for different optical spacings between the modular housings.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the connecting member, serving as a single integral housing, of Bleier to include separate modular housings as taught by Sadler or Pekar et al in order to accommodate and/or adjust for different optical spacings, since it has been held that constructing a formerly integral structure in various (separate) elements involves only routine skill in the art. Note *Nerwin v. Erlichman*, 168 USPQ 177, 179.

9. The disclosure is objected to because of the following informalities: elements 62, 64, 66 and 68, shown in Fig. 1, elements 62, 66, 68 and 92, shown in Fig.2, elements 120 and 122, shown in Fig. 9, elements 122, 132, 144 and 146, shown in Fig. 10, elements 164 and 166, shown

Art Unit: 2872

in Fig. 11, and elements 120, 122, 130 and 132, shown in Fig. 12, each lack a proper written description. Appropriate correction is required.

10. The drawings are objected to because element 10, disclosed on page 4 of the specification, has not been illustrated. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

11. Claims 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

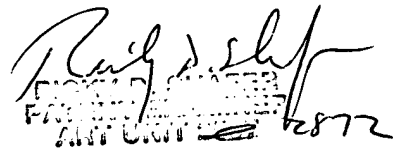
12. Claim 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claims 21-37 are allowed.

14. Any inquiry concerning this communication should be directed to R.D. Shafer at telephone number (703) 308-4813.

RDS

May 31, 2003

A handwritten signature, likely "R.D. Shafer", is written over a rectangular stamp. The stamp contains the text "RECEIVED" and "MAY 31 2003".